

thereto; excluding the Criminal District Court of Nueces County from the provisions of the Act; providing for the appointment and subsequent election of a Judge; and fixing the time during which said Court shall exist; and declaring an emergency."

S. B. No. 207, A bill to be entitled "An Act providing a method whereby the Board of Education or the Board of Trustees, as the case may be, of any independent school district created under the general laws of this State or by Special Act of the Legislature in which there may be situated a city having a population of 380,000 or more according to the last preceding federal census or any subsequent federal census, may divest themselves of the management, control and operation of junior colleges and universities maintained by such independent school districts and operated in connection therewith and vest the same in a separate Board to be known as the Board of Regents of any such junior colleges and/or universities, etc. . . ; and declaring an emergency."

S. C. R. No. 19, To authorize a Service Ribbon to be issued to members of volunteer military defense companies.

S. C. R. No. 20, Relative to transferring the present military installation located on the Indianola Anti-Aircraft Gunnery Range to the County of Calhoun.

H. C. R. No. 30, Relative to the inauguration of the planting and propagation of a county selected tree or shrub in Texas.

H. C. R. No. 36, Inviting Hon. Wick Fowler to address a joint session of the Legislature.

H. C. R. No. 37, Authorizing correction of H. B. No. 13.

(Senator Winfield in the Chair)

Motion to Take up House Bill 27

Senator Ramsey moved that Section 5 of Article III of the State Constitution be suspended and that H. B. No. 27 be taken up for consideration at this time.

Question—Shall the motion prevail?

(President pro tempore Moffett in the chair)

Adjournment

Senator Jones moved that the Sen-

ate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Lanning moved that the Senate adjourn until 10:30 o'clock a. m., Monday, March 12, 1945.

Question first recurring on the motion of Senator Lanning, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—18

Brown	Moore
Carney	Parrish
Crawford	Ramsey
Graves	Spears
Knight	Stanford
Lane	Taylor
Lanning	Vick
Martin	Winfield
Metcalf	York

Nays—7

Aikin	Stone
Jones	Sulak
Moffett	Weinert
Morris	

Absent—Excused

Bullock	Kelley
Chadick	Mauritz
Hazlewood	Shivers

The Senate, accordingly, at 12:05 p. m., adjourned until 10:30 o'clock a. m. Monday, March 12, 1945.

THIRTY-SEVENTH DAY

(Monday, March 12, 1945)

The Senate met at 10:30 a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Vick
Martin	Weinert
Metcalf	York

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 8, 1945, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Ramsey.

Senators Kelley, Mauritz, Taylor and Hazlewood were granted leaves of absence for today on account of important business on motion of Senator Ramsey.

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Aikin:

S. B. No. 252, A bill to be entitled "An Act to amend Article 634 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 17, Acts, Second Called Session, Forty-first Legislature (1929); and declaring an emergency."

To Committee on Finance.

By Senator Aikin:

S. B. No. 253, A bill to be entitled "An Act making an appropriation for the fiscal year ending August 31, 1945, to the State Board of Control for general repairs and improvements of the CCC Camp in Burnet County, Texas, recently transferred to the State Board of Control by the Federal Government for use in eleemosynary service; making an appropriation to the Board of Control for the biennium ending August 31, 1947, for the payment of various and miscellaneous expense in connection with said CCC Camp; providing for a restriction on the expenditure of the moneys appropriated; and declaring an emergency."

To Committee on Finance.

By Senators Aikin, Bullock, and Morris:

S. B. No. 254, A bill to be entitled "An Act defining the districts from which nine (9) members of the Board of Education shall be elected; and declaring an emergency."

To Committee on Education.

By Senators Bullock, Aikin, and Morris:

S. B. No. 255, A bill to be entitled "An Act to amend Article 2675B-1 of the Revised Civil Statutes of Texas, 1925, creating the State Board of Education; prescribing terms for the members thereof, prescribing certain qualifications for the membership and defining certain duties of the State Board of Education; authorizing them to appoint a State Superintendent of Public Instruction, prescribing certain qualifications for the State Superintendent of Public Instruction; and declaring an emergency."

To Committee on Education.

By Senators Brown and Stanford:

S. B. No. 256, A bill to be entitled "An Act amending Acts, 1939, 46th, Legislature, page 602, Section 57, as amended by Acts 1941, 47th Legislature, page 343, Chapter 187; Section 6, as further amended by Acts, 1943, 48th Legislature, page 404, Chapter 272, Section 1; repealing all laws in conflict herewith and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senators Brown and Stanford:

S. B. No. 257, A bill to be entitled "An Act amending Article 1061, Code of Criminal Procedure of Texas, 1925; and amending Article 1068, Code of Criminal Procedure of Texas, 1925; repealing all laws in conflict herewith and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senators Brown and Stanford:

S. B. No. 258, A bill to be entitled "An Act amending Article 2994, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1930, 41st Legislature, 4th Called Session, page 30, Chapter 20, Section 1; amending Article 3925 of Revised Civil Statutes of Texas, 1925; amending Section 2 of Article 3926, Revised Civil Statutes of Texas, 1925; amending Article 3927, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1941, 47th Legislature, page 641, Chapter 387, Section 1; amending Article 3930, Revised Civil Statutes of Texas, 1925, amending Article 3933, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1937, 45th Legislature, page 437, Chapter 224, Section 1; amending Article 3935, Revised Civil Statutes of Texas, 1925; amending Article 3937, Revised Civil Statutes of Texas,

1925; amending Article 3939, Revised Civil Statutes of Texas, 1925, providing for the compensation of the assessor and collector of taxes in collecting state and county and other taxes and for issuing ad valorem tax certificates; amending Acts, 1929, 41st Legislature, 2nd Called Session, page 172, Chapter 88, Section 11, and repealing all laws in conflict herewith and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Lane:

S. B. No. 259, A bill to be entitled "An Act amending Section 12 of Article 8306, Revised Civil Statutes of Texas, 1925, so as to provide that in all cases of permanent partial disability as provided, the compensation shall be calculated or figured at sixty per cent of the average weekly wage multiplied by the per cent of disability to the particular member or members specifically enumerated above; but in no event shall such compensation rate exceed \$20.00 per week; and provided in all other cases of partial incapacity, including any disfigurement, the compensation paid therefor shall be sixty per cent of the average weekly wages multiplied by the per cent of incapacity caused by the injury; and declaring an emergency."

To Committee on Insurance.

By Senator Carney:

S. B. No. 260, A bill to be entitled "An Act directing the State Highway Department to cause to be manufactured and made available to members of the Texas Defense Guard automobile license plates of certain design and lettering and in such number as requested by the Adjutant General, to be paid for by the Texas Defense Guard; repealing all laws in conflict herewith; and, declaring an emergency."

To Committee on Highway and Motor Traffic.

By Senator Carney:

S. B. No. 261, A bill to be entitled "An Act providing that the balance on hand in the State Treasury to the credit of the Fish Propagation and Protection Fund, Sand, Shell and Gravel Fund, Medina Lake Fund, Lake Worth-Eagle Mountain Lake Fund, and the Special Game Fund, shall be transferred on August 31, 1945, with in the State Treasury to the credit

of a special fund to be known as the Game and Fish Fund, providing that certain revenues hereafter collected by the Game, Fish and Oyster Commission from certain revenue sources available to it shall be deposited in said Special Game and Fish Fund; repealing conflicting laws; providing the purposes for which money deposited in said Game and Fish Fund may be expended; providing for an effective date of this Act and declaring an emergency."

To Committee on Game and Fish.

By Senator Sulak (by request):

S. B. No. 262, A bill to be entitled "An Act to amend House Bill No. 910, Chapter 328, of Acts of the Regular Session of the 47th Legislature so that same shall read and provide as hereafter shown, that is, as the same now reads with a provision fixing the authority and duties in certain enumerated cases, of assessors and collectors of taxes in counties having a population of more than three hundred and ninety-five thousand inhabitants according to the last preceding or any future Federal census by authorizing the making of certain oaths and affidavits before assessors and collectors of taxes and their deputies, providing that the offices of notary public and assessor and collector of taxes and deputy assessor and collector of taxes shall be incompatible offices, providing that neither the assessors and collectors of taxes nor their deputies, while holding office as such, shall be eligible to the office of notary public; providing for the issuance of certain receipts or certificates by such assessors and collectors of taxes and their deputies, fixing fees for all such acts; providing that such fees shall be fees of office and accounted for as such; providing that such fees shall be paid into the officers' salary fund; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Knight:

S. B. No. 263, A bill to be entitled "An Act providing for the purchase by the Texas Prison Board from T. E. Humphrey of 190.4 acres of land, part of the P. Gray League, Abstract No. 24, in Walker County, Texas, for a cash consideration to be paid out of moneys to be received by the Texas Board from the sale of certain lands in Walker County, Texas, to the City

of Huntsville, and declaring an emergency."

To Committee on Penitentiaries.

By Senator Knight:

S. B. No. 264, A bill to be entitled "An Act providing for the sale of the Texas Prison Board to the City of Huntsville, Texas, of 630 acres of land, part of the Warren Birdsell League, Abstract No. 6, in Walker County, Texas, at private sale for cash; regulating the manner and terms of the sale, authorizing and empowering the Texas Prison Board to make the sale and authorizing the Texas Prison Board to make the sale and authorizing the Chairman or Vice-Chairman to execute the deed of conveyance to be attested by the Secretary of the Board and its official seal impressed thereon; and declaring an emergency."

To Committee on Penitentiaries.

By Senator Knight:

S. B. No. 265, A bill to be entitled "An Act creating the 'Texas State Textbook Committee' providing the qualifications and terms of office for the members of said Committee, providing for meetings of said Committee, establishing and creating the duties of said Committee, providing for adoption of multiple lists of textbooks for use in the public schools of the State, providing for the selection and purchase of textbooks from the adopted multiple lists by proper school authorities, providing for the compensation of the members of said Committee, providing for penalty for violation of terms of Act, repealing all laws or parts of laws in conflict, providing that any partial invalidity of this Act shall not effect other parts hereof, and declaring an emergency."

To Committee on Education.

By Senator Knight:

S. B. No. 266, A bill to be entitled "An Act making an appropriation for the purpose of erecting a monument at the grave of Mrs. Memucan Hunt; providing for the right of private donation to participate in the expense; and declaring an emergency."

To Committee on Finance.

By Senator Parrish:

S. B. No. 267, A bill to be entitled "An Act amending Section 5 of Article 1659 of the Penal Code of Texas, 1925, as amended by Acts 1935, 44th Leg.,

p. 387, ch. 147, Sec. 1; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Stone:

S. B. No. 268, A bill to be entitled "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas of the sum of Thirty Thousand Dollars (\$30,000.00) not otherwise appropriated, to cover the payment of taxes on State Prison Farm lands located in Fort Bend and Brazoria Counties now due and unpaid, exclusive of penalties and interest, by the State of Texas to said Counties and to the Independent School Districts in which said lands are located, for the years 1942, 1943 and 1944 and to become due for the years 1945 and 1946; authorizing payment of said taxes by the Comptroller of Public Accounts upon proper statements; and declaring an emergency."

To Committee on Finance.

By Senator Stone:

S. B. No. 269, A bill to be entitled "An Act to amend Section 2a, Section 2b, and Section 3 of Article 6053 of the Revised Civil Statutes of Texas of 1925, as amended, by providing that all containers and pertinent equipment used or to be used for storage, transporting and/or dispensing of liquefied petroleum gases, together with appliances using or to use said gas, shall be designed, constructed, assembled, equipped and installed as specified by the rules and regulations of the Railroad Commission, providing that the selling, exposing for sale, constructing, assembling, repairing, equipping, installing, filling with fuel, storage of fuel within, dispensing of fuel therefrom or transporting fuel within such containers and/or equipment, and the selling, exposing for sale or using of such appliances, without same having, been designed, constructed, assembled, and equipped as specified by the Railroad Commission, is in violation of this Act, and constitutes a misdemeanor, providing fines for such violations to be in addition and supplemental to other fines, penalties and restrictions imposed, defining the term "fuel," requiring the Railroad Commission to prescribe additional safety rules and regulations in regard to such equipment as used in transportation liquefied petroleum

gases, providing that persons, firms and corporations, engaged in the manufacturing, and/or assembling, and/or repairing, and/or selling, and/or installing of such containers, equipment, and/or appliances or engaged in the sale, transportation, dispensing or storage of liquefied petroleum gases, must have a license, providing for requirements to be met by applicant before issuance of a license is authorized and for a hearing thereon, providing for authority of Railroad Commission to make rules and regulations for safety and protection of the public, providing for authority of Railroad Commission to require each retail seller or installer of such containers and/or pertinent equipment to have at least one person qualified and approved by the Railroad Commission, in their regular employ, providing for license to issue without regular examination to operators and dealers who were in bona fide legal operation on and subsequent to May 1, 1942, providing for annual license fees, bands, and insurance to be given by such licensees, empowering the Railroad Commission to refuse to grant licenses, and to cancel or suspend licenses, providing for appeal from action of Railroad Commission, in cases where license is refused, suspended or revoked, providing for process for witnesses and evidence, and fees for such witnesses, providing a penalty for witnesses who fail to obey such process, providing for a penalty for failure to comply with this Act, after receipt of any order of the Commission, and further providing for a suit for collection of such penalty, providing that if any clause, provision, section, or part of this Act be adjudged invalid, the remainder of this Act shall not be affected thereby; and declaring an emergency."

To Committee on State Affairs.

By Senator Stanford:

S. B. No. 270, A bill to be entitled "An Act authorizing the State of Texas, and County and any governmental agency and/or municipality of the State of Texas to borrow money and/or receive grants of money from the Federal Works Administrator in accordance with the "War Mobilization and Reconversion Act of 1944" (Public Law 458—78th Congress) and to borrow and/or receive grants of money from any other Federal Agency

now or hereafter to be created; and declaring an emergency."

To Committee on State Affairs.

By Senator Stanford:

S. B. No. 271, A bill to be entitled "An Act defining the matter in controversy in class actions for jurisdictional purposes; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Lanning:

S. B. No. 272, A bill to be entitled "An Act appropriating the sum of \$3,500.00, or so much thereof as may be necessary to satisfy, according to the terms thereof, the judgment rendered against the State of Texas in favor of the Mount Olivet Cemetery Company of Fort Worth, Tarrant County, Texas, in Cause No. 25570-A, in the 96th District Court of Tarrant County, Texas, such judgment having been rendered on the 9th day of August, 1943, and not having been appealed from by the State of Texas or the Texas Highway Commission, defendants in said suit, and that said judgment is now a final judgment and the case having been fully and finally disposed of by the said 96th District Court of Tarrant County, Texas; and declaring an emergency."

To Committee on Public Debts, Claims and Accounts.

By Senator Jones:

S. B. No. 273, A bill to be entitled "An Act providing that all counties within this State, having a population of not less than 50,000 inhabitants nor more than 78,000 inhabitants, according to the last preceding Federal Census, and in which there is located no Court of Civil Appeals, may, upon an order being made by their Commissioners Courts for this purpose, provide for and maintain a county law library; providing for the funds for said library; granting to said Courts all necessary power and authority to make this Act effective; providing that said Act shall be cumulative; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senators Jones, Parrish, and Sulak:

S. B. No. 274, A bill to be entitled "An Act to provide facilities for the

purpose of extending assistance by providing technical aid and data to persons, firms, political sub-divisions and industries now located in Texas and to assist new industries in the solution of their waste and atmospheric pollution and industrial hygiene and food hygiene problems providing a facilities for the purpose of undertaking research on industrial problems and research on tropical and other diseases; designating the building to be known as the Texas Water and Sanitation Research Foundation Building; authorizing the State Board of Health to foster and receive donations for public health purposes; to construct other public health buildings and facilities on land conveyed to the State for such purposes; to cooperate with other institutions in studies and research related to public health problems related to the industrialization of the State; appropriating from the State Treasury funds not otherwise appropriated for said building and for personnel for such studies; providing a saving clause; and declaring an emergency."

To Committee on Public Health.

By Senator Jones (by request):

S. B. No. 275, A bill to be entitled "An Act requiring all section, bridge and building, and maintenance of way motor cars operated by any railroad in this State to be equipped with electric head lamps and rear lamps; providing a penalty; providing if any section, sentence or clause shall be declared invalid, other sections or parts of the Act shall not be affected thereby."

To Committee on Highways and Motor Traffic.

By Senator Jones:

S. B. No. 276, A bill to be entitled "An Act providing for the appointment of assistant county attorney in counties having a population of 60,000 and not more than 100,000 according to the last preceding Federal census in counties where there is not a district attorney; and in counties where the county attorney performs the duties of county attorney and district attorney; providing for the method of their appointment; providing for their compensation; providing for certain reports and applications and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Ramsey:

S. B. No. 277, A bill to be entitled "And Act to amend Section 11 of Chapter 14, Page 18, of the General Laws of the State of Texas, Third Called Session, Thirty-sixth Legislature, relating to public gas utilities, shown as Article 6060 in Vernon's Civil Statutes of the State of Texas, so as to provide that the utility tax shall be payable by such persons, companies, and private corporations engaged in the business of owning, operating, or managing pipe lines for the transportation or carriage of natural gas, as provided by Subdivision (2) of Section 1 of said Act, and exempting from such tax producers of gas except when engaged in the business of transporting same by pipe line for sale or delivery to the public or to municipalities or to others engaged in the business of selling or distributing such gas to the public or to municipalities; and declaring an emergency."

To Committee on Oil, Gas and Conservation."

By Senator Moore:

S. B. No. 278, A bill to be entitled "An Act providing that every child in a school district in which there is an incorporated city with no less than three hundred twenty-five thousand (375,000) inhabitants according to the last preceding Federal census, who is seven years and not more than sixteen years old, subject to the subdivisions 2 and 3 of Article 2893, Revised Civil Statutes of Texas of 1925, shall be required to attend a public, private or parochial school in the district of its residence or in some other district to which it may be transferred, as provided by law, for the entire regular school term of the district in which said child attends school, and declaring an emergency."

To Committee on State Affairs.

By Senator Moore:

S. B. No. 279, A bill to be entitled "An Act fixing the compensation of certain designated district and county officers in counties having a population in excess of 500,000 inhabitants, according to the last preceding or any future Federal census; providing the method, time, and manner in which said officers shall be compensated; providing for deputies, assistants, employees and department heads of such officers, fixing the method and manner

of their appointment or employment, fixing their compensation and the time, manner, and method of payment; providing for the appointment and compensation of deputies, assistants, employees and department heads of the District Attorney, or Criminal District Attorney in such counties; providing that this law shall be cumulative of other laws applying to such counties; providing that all laws in force on the effective date of this Act, or subsequently enacted with respect to the making or reports, accounts preparation of budget, auditing, approval, and disapproval of claims, and fixing the time, method, and manner of filing claims shall remain in effect and apply to all such officers, deputies, assistants, employees and department heads; declaring the provisions hereof to be severable, and declaring an emergency."

To Committee on State Affairs.

By Senator Graves:

S. B. No. 280, A bill to be entitled "An Act authorizing the legislative body of any city having a population of more than 250,000 according to the last preceding Federal census, and which has adopted a comprehensive zoning ordinance under the law of this State to divide the city into neighborhood zoning areas after public hearing thereon, and authorizing the mayor of such city, with the approval of the legislative body of the city, to thereupon appoint for each of said areas a neighborhood advisory zoning council, consisting of five citizens residing in the area, who shall hold office for two years or until their successors are appointed and qualify, and providing that it shall be the duty of such council to furnish to the zoning commission of the city information, advice and recommendations with respect to all applications for changes in the zoning regulations affecting said area, and providing that as soon as such an application is filed with the zoning commission the latter shall furnish the council for the area to be affected by such application with copy thereof, and that thereupon it shall be the duty of said council to hold public hearings in relation thereto, giving at least ten days notice of the time and place of such hearing by publication in an official paper or a paper of general circulation in such municipality, and providing that at or before the hearing on such application before the zoning commission it shall

be the duty of the council to furnish and submit to the zoning commission such information, advice and recommendations as it deems proper with respect to such application, and providing that the overruling of any recommendation of the council by the zoning commission with respect to any change in such zoning regulations shall require the vote of at least three-fourths of the members of the zoning commission present; repealing conflicting statutes; containing a savings clause; and declaring an emergency."

To Committee on State Affairs.

By Senator Graves:

S. B. No. 281, A bill to be entitled "An Act providing for the refunding of certain monies paid in good faith by purchasers and lessees or prospective purchasers and prospective lessees of Public Lands, minerals or timber, or paid in good faith on transaction in connection with such Public Lands, minerals and timber in instances where the funds to which such payments are accredited are not entitled to such monies and declaring an emergency."

To Committee on State Affairs.

By Senator Sulak:

S. B. No. 282, A bill to be entitled "An Act prescribing the powers and duties of the Attorney General respecting elections and violations of election laws; fixing penalties; providing a savings clause; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Lane:

S. B. No. 283, A bill to be entitled "An Act repealing Article 621, Article 622, Article 623, Article 624, Article 625, Article 626, Article 627, Article 628, Article 4332, Article 4333 and Article 4334 of the Revised Civil Statutes of Texas of 1925; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Lane:

S. B. No. 284, A bill to be entitled "An Act amending Article 1810 of the Revised Civil Statutes of Texas of 1925 so as to provide for the appointment of a reporter for the Court of Criminal Appeals of Texas and authorizing said Court to prescribe his

duties, and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Lane:

S. B. No. 285, A bill to be entitled "An Act amending Article 1724 of the Revised Civil Statutes of Texas of 1925 so as to provide for the appointment of a reporter for the Supreme Court of Texas and authorizing said Court to prescribe his duties, and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Lane:

S. B. No. 286, A bill to be entitled "An Act amending the Acts of the 40th Texas Legislature, Regular Session, page 92, Chapter 66, Section 1, commonly known as Article 4831-b, Vernon's Annotated Civil Statutes of Texas: and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Lane:

S. B. No. 287, A bill to be entitled "An Act amending Article 1725 of the Revised Civil Statutes of Texas of 1925 so as to provide for the adoption of an official reporter for all appellate Courts of Texas; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Moore:

S. B. No. 288, A bill to be entitled "An Act providing that in case of vacancy from any cause in any elective office of any Home Rule City in this state having a population of 384,000 inhabitants or more according to the last preceding or any future Federal census where the Charter of such city does not at such time, provide for the filling of such vacancy, the city council or governing body of such city by majority vote shall appoint someone to fill such vacancy for the unexpired term and pending such appointment may appoint someone temporarily to hold such office, which person or persons as the case may be shall be qualified in like manner as is then required of the elective official; and declaring an emergency."

To Committee on Towns and City Corporations.

By Senator Stone:

S. B. No. 289, A bill to be entitled

"An Act to amend Chapter 361, Acts 1943, 48th Legislature, page 635, providing for the classification of prisoners for good conduct, industry and obedience and the commutation of time in accordance with said classification and declaring an emergency."

To Committee on Penitentiaries.

By Senator Parrish:

S. B. No. 290, a bill to be entitled "An Act to create a more efficient road system for Lubbock County, Texas, and making county commissioners ex officio precinct road commissioners of their respective precincts, defining their powers and duties providing for the payment of traveling expenses to county commissioners, for the use of their private automobiles, pertaining to the maintenance of the public roads and highways of said county; and declaring an emergency."

To Committee on Highways and Motor Traffic.

Reports of Standing Committees

Senator Stanford, by unanimous consent, submitted the following report:

Austin, Texas
March 12, 1945

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Lands and Land Offices to whom was referred H. B. No. 53 have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed, with Committee Amendments.

STANFORD, Vice Chairman.

Senator Knight, by unanimous consent, submitted the following reports:

Austin, Texas
March 12, 1945

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Towns and City Corporations to whom was referred House Bill No. 21, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KNIGHT, Chairman.

Senator Knight submitted the following report:

Austin Texas
March 12, 1945

Hon. John Lee Smith, President of the Senate:

Sir: We, your committee on Towns and City Corporations, to which was referred Senate Bill No. 288, a Bill to be entitled "An Act providing that in case of vacancy from any cause in any elective office of any Home Rule City in this State having a population of 384,000 inhabitants or more according to the last preceding or any future Federal Census where the Charter of such city does not, at such time, provide for the filling of such vacancy, the city council or governing body of such city by majority vote shall appoint someone to fill such vacancy for the unexpired term and pending such appointment may appoint someone temporarily to hold such office, which person or persons as the case may be shall be qualified in like manner as is then required of the elective official; and declaring an emergency."

Have considered the same, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KNIGHT.

Senator Martin, by unanimous consent, submitted the following report:

Austin, Texas
March 12, 1945

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Veterans' Affairs, to whom was referred S. B. No. 171, A bill to be entitled "An Act to amend H. B. No. 595, Page 268, of the General Laws of the Regular Session of the 48th Legislature, so as to extend their provisions regarding the issuance of certificates and certified copies of instruments to be used in furthering claims and establishing proof of such ex-service men of the Federal Government, and such ex-members of the Auxiliaries to the Armed Forces of the U. S. Government of World War I, the Spanish-American War, World War II, or any other active service and their heir-at-law, and declaring an emergency: Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

Senate Resolution 41

Senator Brown offered the following resolution:

Whereas, Mrs. Charles Gilbert of Norwich, Connecticut, National President of the American Legion Auxiliary, is now making a tour of the State of Texas, visiting various Veterans Hospitals, delivering interesting and informative addresses; and

Whereas, the said Mrs. Charles Gilbert is known and recognized as a woman of great charm and outstanding ability, and has been untiring in her efforts to lend every assistance to disabled veterans everywhere; and

Whereas, It is our belief that the said Mrs. Gilbert can give us much information and enlightenment that will be of great benefit to us regarding the condition of Veterans' Hospitals within the State of Texas; therefore, be it

Resolved by the Senate of Texas, That we do extend to Mrs. Charles Gilbert a most cordial invitation to address the Senate of Texas on Wednesday, March 14th, 1945, at 11:30 a. m.

YORK
BROWN

The resolution was read and was adopted.

Committee to Attend Funeral of Hon. Will D. Pace

On the motion of Senator Chadick, the President was authorized to appoint a committee to attend the funeral services of Hon. Will D. Pace.

Accordingly, the President announced the appointment of the following committee:

Senators Winfield, Weinert, Sulak, Stone, Spears, Shivers, Moore, Moffett, Metcalfe, Martin, Graves, Chadick, Aikin and Lanning.

Flowers for Hon. Will D. Pace

On motion of Senator Winfield and by unanimous consent, the Secretary of the Senate was directed to send an appropriate floral offering to the funeral services for Hon. Will D. Pace.

Relating to Public Hearings on Senate Bill 18

Senator Moore submitted at this time the following communications and obtained unanimous consent of

the Senate to have them printed in the Journal:

March 12, 1945

Senator Weaver Moore,
Senate Chamber
Austin, Texas

Dear Senator Moore:

This will confirm that during the time Senate Bill No. 18 was in the Committee on Civil Jurisprudence this Session, you made written request for a Public Hearing on such bill.

The Bill was never set for hearing pursuant to your request during the time that it was in the Committee on Civil Jurisprudence, and consequently, no notification was given you of it.

Attached hereto is a copy of your request for hearing on such Bill.

Very truly yours,

KYLE VICK,

Chairman Committee on Civil Jurisprudence, Forty-ninth Senate.

COPY

January 25, 1945

Senator Vick:

This will constitute formal request for public hearing and 48 hours notice thereof on S. B. 18, the so-called Fair Trade Bill.

WEAVER MOORE

March 12, 1945

Senator Charles R. Jones, Chairman
Committee on Commerce and Manufacturing.

Dear Senator Jones:

This will constitute a request for Hearing on Senate Bill No. 18, and the further request that I receive notice thereof in the manner and at the time provided by the Rules of the Forty-ninth Senate of Texas.

Very truly yours,

WEAVER MOORE

This acknowledges receipt of the above request from Weaver Moore, Member of the Forty-ninth Senate, at 10:25 a. m. o'clock, March 12, 1945.

I have given Weaver Moore no written notice of any hearing on Senate Bill No. 18 up to the time stated herein. Weaver Moore has not heretofore filed written request with me for a hearing.

C. R. JONES, Chairman
Committee on Commerce and Manufacturing

Statement Concerning Senate Bill 18

Senator Spears submitted the fol-

lowing statement and obtained unanimous consent to have it printed in the Journal:

Relative to Senate Bill No. 18, I February, 1945, to re-refer Senate Bill No. 18 from the Committee on Civil Jurisprudence to the committee on Commerce and Manufacturing. This motion prevailed by a vote of 17 to 8. When this motion prevailed I requested verbally in open session that Senator Jones set Senate Bill 18 for a public hearing. The committee on Commerce and Manufacturing by a unanimous vote on this same date set for public hearing Senate Bill No. 18. Notice was on the same day posted on the Bulletin board and is still posted. In a discussion with Senator Moore on the floor of the Senate March 7th, 1945 in regard to re-committing S. B. 165 I then made the statement that S. B. 18 was set for a public hearing at 7:30 p. m. on March 12th, 1945. In my opinion all interested parties have been given a period of two weeks in which to prepare for this hearing, from date of setting.

Dated 12 March, 1945.

SPEARS

Correcting Caption of Senate Bill 181

On motion of Senator Moffett, and by unanimous consent, the caption of S. B. 181 was ordered amended to conform with the body of the bill as amended.

Message from the House

Hall of the House of Representatives
Austin, Texas
March 12, 1945

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

H. B. No. 17, A bill to be entitled "An Act making an appropriation for the purpose of erecting a monument at the grave of Sion R. Bostick providing for the right of private donation to participate in the expense; and declaring an emergency."

H. B. No. 21, A bill to be entitled "An Act to grant, sell and convey to the City of Austin, the two tracts of land marked 'Reserve' on the map of the City of Austin, according to a survey by Sandusky in 1840, which

is on file in the Land Office, and also certain islands in the Colorado River; fixing the consideration for said grant; making reservation of royalties to the state; and declaring an emergency."

H. C. R. No. 40, Inviting Mr. Hugh H. Clegg to address a Joint Session of the Legislature at 11:30 a. m., Wednesday, April 18, 1945.

H. B. No. 269, Making an appropriation of Five Hundred and Twenty-six Dollars and Fifty-eight Cents (\$526.58), or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to a certain independent school district; and declaring an emergency.

H. B. No. 381, Regulating the taking or transporting of minnows in certain counties.

H. B. No. 376, Making appropriations to pay the Presidential Electors of Texas; providing how it shall be made; and declaring an emergency.

H. B. No. 398, Making an emergency appropriation out of the State Highway Fund for the operation of the Texas Highway Patrol Division.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 440, A bill to be entitled "An Act to validate the organization and creation of independent school districts established and created by consolidation therewith of one or more county line school districts and by consolidation therewith of elementary school districts and to validate the enlargement of independent school districts by the annexation thereto of one or more common school districts and to validate the abolition of former elementary school districts made an integral part of independent school districts by annexation or by act of the board of trustees of said independent school district in closing the

school in such former elementary school district and consolidation by the County Board of School Trustees of such former elementary school district with the independent school district, and to validate the abolition of elementary school districts within a rural high school district and the consolidation thereof to another elementary school district within such rural high school district by the County Board of School Trustees after the closing of the school in such abolished elementary school district by the board of trustees of such rural high school district, and to validate all acts of the several officers in effecting such consolidation, enlargements by annexation and abolition of former elementary school districts made a part of independent school districts and abolition of elementary school districts; providing that this Act shall repeal all laws or parts of laws in conflict herewith, and providing that this Act shall not apply in any instance where the consolidation, annexation or abolition is in litigation in any of the courts of this State; and declaring an emergency."

H. B. No. 483, A bill to be entitled 'An Act making an appropriation of Five Hundred Dollars (\$500), or so much thereof as may be necessary, for the purpose of erecting a monument to the grave of Mrs. Susana Dickinson Hannig, mother of "The Babe of the Alamo," providing the right of private donation to participate in the expense; and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

(President pro tempore in the Chair)

House Bills and Resolutions on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 275, to Committee on Education.

H. B. No. 274, to Committee on Education.

H. B. No. 138, to Committee on Judicial Districts.

H. B. No. 40, to Committee on State Affairs.

H. B. No. 17, to Committee on Finance.

H. B. No. 21, to Committee on Towns and City Corporations.

H. B. No. 269, to Committee on Finance.

H. B. No. 381, to Committee on Game and Fish.

H. B. No. 376, to Committee on Finance.

H. B. No. 398, to Committee on Finance.

H. B. No. 483, to Committee on Finance.

H. B. No. 440, to Committee on Education.

The following resolutions, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. J. R. No. 20, to Committee on Constitutional Amendments.

H. C. R. No. 38, to Committee on Federal Relations.

H. C. R. No. 18, to Committee on State Affairs.

H. C. R. No. 40, to Committee on State Affairs.

(President in the Chair)

Committee Appointed to Arrange for Block Picture

In compliance with the provisions of S. R. No. 37, the President announced the appointment of the following committee:

Senators Stanford, Aikin and Carney.

Senate Bill 236 Re-referred.

On motion of Senator Aikin, and by unanimous consent, Senate Bill No. 236 was re-referred from the Committee on State Affairs to the Committee on Finance.

Resolution Signed

The President signed in the presence of the Senate, after giving due notice, the following resolution:

H. C. R. No. 10, granting permission to R. R. Rice, Trustee, to sue the State of Texas.

Senate Bill 8 on Final Passage

Senator Carney moved to call from the table for further consideration at this time:

S. B. No. 8, A bill to be entitled "An Act amending Subsection 1 of Section 30 of Senate Bill No. 111, Chapter 61, Page 100 of the General

Laws passed by the Second Called Session of the Forty-first Legislature, as thereafter amended, providing that the name assumed by the association shall not be the name assumed by any other association incorporated under this law, nor so similar to be liable to mislead; providing that the name assumed by the association, hereafter chartered shall contain the words "building and loan association" or "savings and loan association," or "saving association" or "saving institution"; and providing that association heretofore chartered may, by amendment to their charter, change the name of their association so as to provide for such terminology; and declaring an emergency.

The motion prevailed.

The President then laid S. B. No. 8 before the Senate, on its final passage.

The bill was passed by the following vote:

Yeas—13

Aikin	Morris
Bullock	Ramsey
Carney	Stanford
Chadick	Stone
Knight	Sulak
Metcalf	York
Moore	

Nays—12

Brown	Moffett
Crawford	Parrish
Graves	Shivers
Jones	Spears
Lane	Vick
Martin	Winfield

Absent

Lanning

Absent—Excused

Hazlewood	Taylor
Kelley	Weinert
Mauritz	

Senate Joint Resolution 2 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 2, Proposing an amendment to Sections 9 and 20, of Article 5, of the Constitution so as to provide for the election of a District Clerk and a County Clerk in counties having a population of fifteen thousand or more; providing for the election of a single District and Coun-

ty Clerk in counties having a population of less than fifteen thousand; fixing the time for an election therefor; prescribing the form of ballot; providing for proclamation of such election and the advertisement thereof; and making an appropriation therefor:

The resolution was read second time and was passed to engrossment by the following vote:

Yeas—20

Aikin	Martin
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Jones	Stone
Knight	Sulak
Lane	Vick

Nays—6

Lanning	Stanford
Moffett	Winfield
Metcalfe	York

Absent—Excused

Hazlewood	Taylor
Kelley	Weinert
Mauritz	

Senate Bill 288 on Second Reading

Senator Moore moved that the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 288 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Vick
Martin	Winfield
Metcalfe	York

Absent—Excused

Hazlewood	Taylor
Kelley	Weinert
Mauritz	

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

Senate Bill 288 on Third Reading

The President then laid S. B. No. 288 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Vick
Martin	Winfield
Metcalfe	York

Absent—Excused

Hazlewood	Taylor
Kelley	Weinert
Mauritz	

Senate Bill 161 on Second Reading

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 161, A bill to be entitled "An Act amending Title 61, Article 3883 of the Revised Statutes of the State of Texas, providing for the maximum compensation of County officials in any County where the population is not less than ten thousand two hundred and fifty (10,250) inhabitants, nor more than ten thousand three hundred and fifty (10,350) inhabitants, according to the last preceding Federal census, and which has a tax valuation of not less than Thirteen Million One Hundred Thousand (\$13,100,000.00) Dollars, according to the last approved tax roll; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 161 on Third Reading

Senator Sulak moved that the con-

stitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 161 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Vick
Martin	Winfield
Metcalf	York

Absent—Excused

Hazlewood	Taylor
Kelley	Weinert
Mauritz	

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Vick
Martin	Winfield
Mauritz	York
Metcalf	

Absent—Excused

Hazlewood	Taylor
Kelley	Weinert

Senate Bill 169 on Second Reading

On motion of Senator Parrish, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 169, A bill to be entitled 'An Act fixing the length of the terms of the 99th District Court in and for Lubbock County, Texas, and the time

of holding the terms of said 99th District Court, validating and continuing all processes issued or served before this Act takes effect, including recognition and bonds and making them returnable to the terms of the Court in said county, and to validate the summonings of grand and petit juries under present law so as to render them available in said county under this Act providing for the holding and closing of the terms of Court in session at the time that this Act takes effect, and declaring an emergency."

The President laid the bill before Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 169 on Third Reading

Senator Parrish moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 169 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Vick
Martin	Winfield
Mauritz	York
Metcalf	

Absent—Excused

Hazlewood	Taylor
Kelley	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Crawford
Brown	Graves
Bullock	Jones
Carney	Knight
Chadick	Lane

Lanning
Martin
Mauritz
Metcalf
Moffett
Moore
Morris
Parrish
Ramsey

Shivers
Spears
Stanford
Stone
Sulak
Vick
Winfield
York

Absent—Excused

Hazlewood Taylor
Kelley Weinert

Adjournment

On motion of Senator Metcalfe, the Senate, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

In Memory of
Honorable Will D. Pace

Senator Chadick offered the following resolution:

(Senate Resolution 42)

Whereas, on the afternoon of March 11, 1945, at Tyler, Texas, the Almighty in his infinite wisdom called from us in the fifty-second year of his life our beloved and esteemed friend, the Honorable Will D. Pace of Tyler, Texas, who for years had rendered invaluable service to his State and community; and

Whereas, the Honorable Will D. Pace was honored by the citizens of his home county where he served as County Judge of Smith County for three terms; and

Whereas, the Honorable Will D. Pace served with distinction as a Member of the State Senate of Texas from 1933 to 1940; and

Whereas, in his passing his community and the State as a whole have lost a highly esteemed and useful citizen who had the respect and deep admiration of his many friends; and

Whereas, it is the desire of the Texas Senate to express to the beloved family and the many friends of the late Will D. Pace our sorrow over the passing of this distinguished and much loved citizen of Texas; now, therefore, be it

Resolved, That we express to the immediate members of the family of the deceased our sincere sympathy and regret upon the passing of this distinguished citizen; that a copy of this resolution be mailed to the members of the family of the deceased and that when the Senate stands adjourned today that it do so in memory of the Honorable Will D. Pace.

CHADICK.

Signed—John Lee Smith, Lieutenant Governor; Senators Aikin, Brown, Bullock, Crawford, Carney, Chadick, Graves, Hazlewood, Jones, Kelley, Knight, Lane, Lannings, Martin, Mauritz, Moffett, Moore, Morris, Metcalfe, Parrish, Ramsey, Spears, Stanford, Stone, Shivers, Sulak, Taylor, Vick, Weinert, Winfield and York.

The resolution was read.

On motion of Senator Martin, the name of the Lieutenant Governor and the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously by a rising vote of the Senate.

Senator Chadick then obtained recognition and paid an oral tribute to the memory of Honorable Will D. Pace.